

### **REMARKS**

In reply to the Office Action of August 25, 2005 claims 1 and 10 have been amended to more clearly define applicant's invention. As claims 1 and 10 are the only independent claims of this application, and as amended, applicant submits that neither claim 1 nor claim 10 are anticipated by the prior art, or obvious in view of the prior art, applicant believes this application to be in condition for allowance, and respectfully requests the same.

*Claims 1 and 10 are not unpatentable over Finley in view of Chandonnet under 35 U.S.C. § 103(a)*

Claims 1 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Finley (U.S. Patent No. 6,442,448) in view of Chandonnet (U.S. Patent No. 6,401,009). For a claim to be obvious in view of the combined disclosure of a number of references to a person of ordinary skill in the art, then every element of the claim in question must be present in the combined disclosure of the references. As currently amended, and as explained below, neither the elements of claim 1 nor the elements of claim 10 are entirely disclosed by the combination of these references.

Claim 1 discloses an additive dispensing system for use with a fuel dispenser, such as a gasoline pump. The additive dispensing system is coupled to the fuel dispenser, and dispenses additive at substantially the same time that the fuel dispenser dispenses fuel. Further, the additive dispenser is coupled to a pump controller, which instructs the additive dispenser as to what kind of additive to dispense and how much of the additive to dispense. In addition, an intermediary module, which is coupled to a display module, communicates with the pump controller and the customer. The combined disclosure of Finley and Chandonnet do not teach the additive dispensing system of claim 1.

Claim 10 discloses an intermediary module for use with a fuel dispenser and an additive dispenser. The intermediary module is further joined to a dispenser controller and a display and control module. The intermediary module responds to signals from the dispenser controller and controls the fuel and additive dispensers to insure that as fuel is dispensed the correct amount of a selected additive is dispensed as well. The combined disclosure of Finley and Chandonnet do not teach the intermediary module of claim 10.

Claims 1 and 10 are not unpatentable over Christman in view of Chandonnet in view of Brown and further in view of Kolls and Finley under 35 U.S.C. § 103(a)

Claims 1 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Christman (U.S. Patent No. 6,390,151) in view of Chandonnet (U.S. Patent No. 6,401,009), in view of Brown (U.S. Patent No. 5,771,278) and further in view of Kolls (U.S. Patent No. 6,643,623), and still further in view of Finley (U.S. Patent No. 6,442,448). For a claim to be obvious in view of the combined disclosure of a number of references to a person of ordinary skill in the art, then every element of the claim in question must be present in the combined disclosure of the references. As currently amended, and as explained below, neither the elements of claim 1 nor the elements of claim 10 are entirely disclosed by the combination of these references.

Claim 1 discloses an additive dispensing system for use with a fuel dispenser, such as a gasoline pump. The additive dispensing system is coupled to the fuel dispenser, and dispenses additive at substantially the same time that the fuel dispenser dispenses fuel. Further, the additive dispenser is coupled to a pump controller, which instructs the additive dispenser as to what kind of additive to dispense and how much of the additive to dispense. In addition, an intermediary module, which is coupled to a display module, communicates with the pump

controller and the customer. The combined disclosures of Christman, Chandonnet, Brown, Kolls, and Finley do not teach the additive dispensing system of claim 1.

Claim 10 discloses an intermediary module for use with a fuel dispenser and an additive dispenser. The intermediary module is further joined to a dispenser controller and a display and control module. The intermediary module responds to signals from the dispenser controller and controls the fuel and additive dispensers to insure that as fuel is dispensed the correct amount of a selected additive is dispensed as well. The combined disclosure of Christman, Chandonnet, Brown, Kolls, and Finley do not teach the intermediary module of claim 10.

**CONCLUSION**

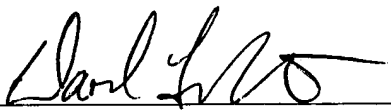
Claims 1 and 10 have been amended. As claims 2 through 9 are dependent on claim 1 or on other intermediate claims that are based on claim 1, and claims 11 through 13 are dependent on claim 10 or on other claims that are based on claim 10, if the examiner finds claims 1 and 10 allowable, then all other claims are allowable as well.

Should the examiner be of the opinion that further amendments or response is required; Applicant encourages the examiner to contact the undersigned attorney at the telephone number set forth below.

Although no additional fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1444-0005.04).

Respectfully submitted,

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